

- 10.416 Soil and Water Loans
- 10.417 Very Low-Income Housing Repair Loans and Grants
- 10.421 Indian Tribes and Tribal Corporation Loans
- 10.435 Agricultural Loan Mediation Program
- 10.437 Interest Assistance Program

#### List of Subjects in 7 CFR Part 1956

Accounting, Loan programs—Agriculture, Rural areas. Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

#### PART 1956—DEBT SETTLEMENT

1. The authority citation for part 1956 continues to read as follows:

**Authority:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70

#### Subpart B—Debt Settlement—Farmer Programs and Housing

##### § 1956.86 [Removed]

2. Section 1956.86 is removed and reserved.

#### Subpart C—Debt Settlement—Community and Business Programs

##### § 1956.146 [Removed]

3. Section 1956.146 is removed and reserved.

Dated: April 20, 1995.

**Dallas R. Smith,**

*Acting Under Secretary for Farm and Foreign Agricultural Services.*

Dated: April 6, 1995.

**Michael V. Dunn,**

*Acting, Under Secretary for Rural Economic and Community Development.*

[FR Doc. 95-13242 Filed 5-30-95; 8:45 am]

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#### Animal and Plant Health Inspection Service

#### 9 CFR Part 78

[Docket No. 95-033-1]

#### Brucellosis in Cattle; State and Area Classifications; Nebraska

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Nebraska from Class A to Class Free. We have determined that Nebraska meets the standards for Class Free status. This action relieves certain restrictions on

the interstate movement of cattle from Nebraska.

**DATES:** Interim rule effective May 31, 1995. Consideration will be given only to comments received on or before July 31, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-033-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-033-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7708.

#### SUPPLEMENTARY INFORMATION:

##### Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis

reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Nebraska was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for Nebraska, we have concluded that the State meets the standards for Class Free status. Therefore, we are removing Nebraska from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Nebraska.

##### Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Nebraska.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the

**Federal Register.** After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Nebraska from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from the State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Nebraska, as well as buyers and importers of cattle from the State.

There are an estimated 24,000 cattle herds in Nebraska that would be affected by this rule. Ninety-eight percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all herds affected by this rule, Class Free status would save approximately \$4.60 per herd.

Therefore, we believe that changing the brucellosis status of Nebraska would not have a significant economic impact on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### **Executive Order 12778**

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects in 9 CFR Part 78**

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

#### **PART 78—BRUCELLOSIS**

1. The authority citation for part 78 continues to read as follows:

**Authority:** 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

##### **§ 78.41 [Amended]**

2. In § 78.41, paragraph (a) is amended by adding “Nebraska,” immediately after “Montana,”.

3. In § 78.41, paragraph (b) is amended by removing “Nebraska,”.

Done in Washington, DC, this 25th day of May 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–13365 Filed 5–30–95; 8:45 am]

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#### **NUCLEAR REGULATORY COMMISSION**

##### **10 CFR Part 34**

**RIN 3150–AF28**

#### **Performance Requirements for Radiography Equipment**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending the regulations pertaining to performance requirements for radiography equipment. The amended provision permits a licensee to use an alternate value of torque for the performance

testing criteria. The specified torque test for the drive cable that is currently in the regulations is not practical to meet, given the design of radiographic equipment. Further, the amendment allows for the use of engineering analysis to demonstrate that a modest change in an already approved design is acceptable without the need to perform prototype tests. The amendment is necessary to relieve licensees from compliance with an impractical and unnecessary test criterion.

**EFFECTIVE DATE:** June 30, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Thomas Rich or J. Bruce Carrico, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–7893 or (301) 415–7826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On January 10, 1990 (55 FR 843) the U.S. Nuclear Regulatory Commission published a revision to 10 CFR 34.20. This regulation required that significant safety improvements be made to radiography equipment. Some of these are stated explicitly in the regulation and some are required through an incorporation by reference of American National Standards Institute N432–1980 (ANSI–N432). All newly manufactured radiographic exposure devices and associated equipment acquired by NRC licensees after January 10, 1992, must meet the requirements specified in 10 CFR 34.20, including the provisions of ANSI–N432. All equipment in use after January 10, 1996, must meet these requirements. Vendors of source assemblies, associated equipment, and radiography exposure devices have registered their designs with the NRC or an Agreement State. This process allows both the user and regulatory agency to determine if the equipment meets the applicable safety requirements. Two vendors are located in Agreement States and three are under NRC jurisdiction.

It has come to the attention of the NRC staff that one of the test criteria specified in section 8.9.2(c) of ANSI–N432 is not practical and cannot be implemented. This test criterion is also not needed for demonstration of safety, given the current design and use of radiography equipment. The test in question is a prototype endurance test of the entire radiography system and, in particular, is intended to ensure the integrity of the source assembly for 20,000 operating cycles. The tests have been performed for the specified number of cycles and at the proper rotational speed, but not at the value of